

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6256**

**BILL NUMBER:** HB 1108

**NOTE PREPARED:** Feb 16, 2006

**BILL AMENDED:** Feb 16, 2006

**SUBJECT:** Aggressive Driving and Criminal Recklessness.

**FIRST AUTHOR:** Rep. Brown T

**FIRST SPONSOR:** Sen. Long

**BILL STATUS:** CR Adopted - 2<sup>nd</sup> House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) The bill defines "aggressive driving" and it makes aggressive driving a Class A misdemeanor if it is done knowingly or intentionally. It also makes criminal recklessness: (1) a Class D felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving resulting in serious bodily injury to another person; and (2) a Class C felony instead of a Class B misdemeanor if the offense is committed by a person who committed aggressive driving resulting in the death of another person.

The bill makes criminal recklessness a Class C felony instead of a Class B misdemeanor if it is committed by shooting a firearm into an inhabited dwelling or other building or place where people are likely to gather. (Current law requires that the shooting be done from a vehicle.)

**Effective Date:** July 1, 2006.

**Explanation of State Expenditures:** There are no data available to indicate how many offenders would be convicted of aggressive driving, a Class A misdemeanor, created under the bill. The bill also adds committing aggressive driving resulting in serious bodily injury to Class D felony criminal recklessness, and aggressive driving resulting in the death of another person to Class C felony criminal recklessness.

(Revised) Depending upon mitigating and aggravating circumstances, a Class C felony is punishable by a prison term ranging from 2 to 8 years and a Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor. The average expenditure to house an adult offender was \$20,977 in FY 2005. (This does not include the cost of new construction.) If offenders can be housed in

existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction facilities for all Class C felony offenders is approximately two years and for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for both a Class C felony and a Class D felony is \$10,000, and for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either \$0.50 or \$25.50 is assessed.

**Explanation of Local Expenditures:** A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs' Association, Department of Correction.

**Fiscal Analyst:** Karen Firestone, 317-234-2106.